

2013 TRAFFICKING IN PERSONS REPORT
U.S. DEPARTMENT OF STATE

SAUDI ARABIA – Tier 3

Saudi Arabia is a destination country for men and women subjected to forced labor and, to a lesser extent, forced prostitution. Men and women from Bangladesh, India, Sri Lanka, Nepal, Pakistan, the Philippines, Indonesia, Sudan, Ethiopia, Kenya, Vietnam, Burma, and many other countries voluntarily travel to Saudi Arabia as domestic workers or low-skilled laborers, and many subsequently face conditions indicative of involuntary servitude, including nonpayment of wages, long working hours without rest, deprivation of food, threats, physical and sexual abuse, and restrictions on movement such as the withholding of passports or confinement to the workplace. The ILO estimates that Saudi Arabia is one of the largest employers of domestic workers in the world; the domestic work sector has the highest average working hours in Saudi Arabia. Although many migrant workers sign contracts delineating their rights, some report work conditions that are substantially different from those described in the contract. Other migrant workers never see a contract at all, leaving them especially vulnerable to forced labor, including debt bondage. Due to Saudi Arabia's requirement that foreign workers receive permission from their employer to obtain an exit visa before they are able to leave the country, migrant workers report that they are forced to work for months or years beyond their contract term because their employer will not grant them an exit permit.

Women, primarily from Asia and Africa, are believed to be forced into prostitution in Saudi Arabia. Some female domestic workers are reportedly kidnapped and forced into prostitution after running away from abusive employers. Children from Yemen, Nigeria, Pakistan, Afghanistan, Chad, and Sudan are subjected to forced labor as beggars and street vendors in Saudi Arabia, facilitated by criminal gangs. A Saudi government study conducted in 2011 reported that most beggars in Saudi Arabia are Yemenis between the ages of 16 and 25. Some Saudi nationals travel to destinations including Morocco, Egypt, Yemen, Afghanistan, Pakistan, India, and Bangladesh to solicit prostitution from women and underage girls. Some Saudi men used legally-contracted "temporary marriages" in countries such as Egypt, India, Mauritania, Yemen, and Indonesia as a means by which to sexually exploit young girls and women overseas.

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The Government of Saudi Arabia does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Although the government reported that two sex trafficking offenders were convicted during the reporting period and identified some trafficking victims, including a child victim, it identified and referred fewer victims to protection services than in the previous reporting period. The government did not make systematic efforts to proactively identify trafficking victims among runaway domestic workers and children who received assistance in government-run facilities. Some Saudi police and officials continued to arrest, detain, and sometimes charge runaway and illegal migrant workers who may be unidentified trafficking victims, while police referred others to government-run facilities. The sponsorship system, including the exit visa requirement, continued to restrict the freedom of movement of migrant workers and hamper the ability of victims of exploitation and abuse to pursue legal cases against their employers. Domestic workers—a population highly vulnerable to forced labor—remained excluded from general labor law protections, and employers continued to regularly withhold workers' passports without punishment as a means of keeping workers in forced labor, despite this practice being prohibited by law.

Recommendations for Saudi Arabia: Reform the sponsorship system and enforce existing laws to discourage employers from withholding workers' passports and restricting workers' movements, including the arbitrary denial of exit visas, as a means of preventing trafficking abuses; significantly increase efforts to prosecute, punish, and stringently sentence trafficking offenders, including abusive employers and those culpable of sex trafficking, under the 2009 anti-trafficking law; institute a formal victim identification mechanism to identify trafficking victims among the thousands of workers deported each year for immigration violations and other crimes; ensure that victims of trafficking are not punished for acts committed as a direct result of being subjected to human trafficking, such as running away from abusive employers and being engaged in prostitution; ensure trafficking victims are able to pursue criminal cases against their employers in practice; continue to improve victim protection at government-run centers by ensuring autonomy and freedom of movement, providing on-site interpreters, and respecting residents' right to privacy; ensure that all victims of trafficking can seek assistance; enforce labor laws, and expand full labor protections to domestic workers; and continue and expand judicial training and public awareness campaigns on recognizing cases of forced labor and sex trafficking.

Prosecution

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The Government of Saudi Arabia made limited law enforcement efforts against human trafficking during the reporting period. The government did not investigate allegations of abusive employers of domestic workers in private homes and complaints of withholding workers' passports; the government relied on foreign workers to make complaints of abuse, though many workers had minimal ability to communicate such complaints to authorities. The 2009 Suppression of the Trafficking in Persons Act, promulgated by Royal Decree number M/40, defines and prohibits all forms of human trafficking, prescribing punishments of up to 15 years' imprisonment and fines of up to the equivalent of approximately \$266,700 for violations. Penalties may be increased under certain circumstances, including trafficking committed by an organized criminal group or committed against a woman, child, or person with disabilities, or if trafficking is committed by a law enforcement officer. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. Since the law covers offenses that are broader than human trafficking, such as prostitution, the government must disaggregate law enforcement activity under this law to indicate which prosecutions and convictions are for trafficking. Although the 2009 anti-trafficking law does not address the withholding of passports and exit visas as means of obtaining or maintaining a person's forced labor or service, the Council of Ministers' Decision 166 of 2000 prohibits the practice of withholding workers' passports as a separate, lesser offense. The government did not report efforts to enforce the Council of Ministers' decision prohibiting the confiscation of foreign workers' passports, residency permits, and the use of exit permits to control workers' movements; reports indicate that this practice continued to be widespread.

The government reported that it prosecuted, convicted, and sentenced 10 cases of forced labor, one case of forced begging, and two cases of sex trafficking under the anti-trafficking law during the reporting period, though the government did not provide details to demonstrate that these were human trafficking cases as defined by international standards. In these cases, the reported forced labor offenders were sentenced to imprisonment ranging from three months to one year, and the sex trafficking offender received a one-year prison term. The government provided statistics on prosecutions and convictions under the anti-trafficking law, but also reported difficulties in tracking and collecting such law enforcement data in a timely manner due to slow and overly-bureaucratic processes. The government did not report any investigations or prosecutions of public officials for alleged complicity in trafficking-related offenses during the reporting period. The government's inter-ministerial General Secretariat to Combat Human Trafficking,

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in collaboration with a university, provided three workshops for government officials on combating trafficking. The Ministry of Foreign Affairs also held anti-trafficking trainings for 21 government officials.

Protection

While Saudi Arabia made some limited progress in protecting victims, its overall efforts remained inadequate during the reporting period. The government did not implement procedures to systematically identify victims of trafficking among vulnerable populations, such as women in prostitution, foreign migrants, and domestic workers. Additionally, officials continued to arrest, detain, and sometimes prosecute victims of trafficking for unlawful acts committed as a result of being trafficked. The Saudi government acknowledged that victims of trafficking may be detained and deported because of their irregular migration status in Saudi Arabia, as some police officers arrested and deported foreign workers for running away from their employers. Some government officials did not view runaway domestic workers as potential victims of trafficking. When domestic workers' employers failed to claim them at the airport, passport officials in Najran province were required to hold them in a detention center with people who were charged with crimes or immigration violations. The Governor of Najran province, however, criticized this system and formally requested that the Ministry of Social Affairs work with local charities to offer these women shelter until their sponsors could be contacted and until the Ministry opened a shelter for domestic workers in Najran; however, there was no timeline for the opening of a shelter at the end of the reporting period. Women arrested for prostitution offenses—some of whom may be unidentified victims of trafficking—faced prosecution and, if convicted, imprisonment or corporal punishment. Moreover, at least 38 Indonesian domestic workers remained in judicial proceedings for crimes allegedly committed against their sponsors or sponsors' family members and could be sentenced to death. According to media reports, some workers who may have been subjected to conditions of forced labor were subsequently sentenced to death for crimes committed against their former Saudi employers. There was no evidence that the Saudi judiciary took into consideration the possible element of forced labor in some of these cases. Source-country embassies reported difficulty obtaining access to their nationals—some of whom may be trafficking victims—held in detention.

Although the 2009 anti-trafficking law affords victims an explanation of their legal rights in a language they understand, physical and psychological care, shelter, security, and the ability to stay in Saudi Arabia to testify in court proceedings, many victims still sought refuge at their embassies; source country diplomatic

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missions reported handling thousands of complaints of unpaid wages, physical or sexual abuse, and poor working conditions experienced by their citizens in Saudi Arabia each year. No specialized shelter was available to victims of sex trafficking or male victims of trafficking. The government operated a shelter for female runaway domestic workers in Riyadh. While shelter staff made no systematic efforts to identify trafficking victims among shelter residents, the social workers visited the shelter on a monthly and as-needed basis to identify potential victims of trafficking. The Ministry of Social Affairs Anti-Begging Department also operated shelters for child beggars in various cities in the country. Women in the government's shelter experienced restrictions of their movement outside of the shelter and some restrictions on communication with family or consular contacts; women were not given access to on-site interpreters and were subjected to male staff commonly walking into their living quarters with no acknowledgement that this may be a violation of the women's privacy. In smaller cities in Saudi Arabia with poor access to such facilities, victims of trafficking were kept in jails until their cases were resolved. The government reported that it identified 51 victims of trafficking. Three of the 51 victims were Saudi nationals, and four were under the age of 18. Of the 51 victims, the government referred two women to the government's shelter and five victims to Saudi charitable organizations; some were provided hotel accommodations.

The Council of Ministers' statement accompanying the 2009 anti-trafficking law stated that victims have the right to remain in Saudi Arabia during the investigation and court proceedings. Nevertheless, victims who overstayed their visas, ran away from their employers, or otherwise violated the legal terms of their visas were sometimes jailed without being identified as victims. Some Saudi employers prevented foreign workers from leaving the country by refusing to permit them to receive exit visas, which resulted in workers working beyond their contract terms and against their will or languishing in detention centers indefinitely. Some police officers assisted victims by referring them to government shelters. Other police officials, however, returned foreign workers who reported abuse to their employers, pressured them to drop cases, or persuaded victims to take monetary compensation in lieu of filing criminal charges against their employers. Some employers filed false counter-claims against foreign workers for theft, witchcraft, and adultery in retaliation for workers' claims of abuse, which may have discouraged others from reporting abuse. Few migrants successfully pursued criminal cases against abusive employers due to lengthy delays in the immigration and justice system.

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Prevention

The government made some progress in preventing human trafficking during the reporting period, but systemic problems resulting from regulations of the sponsorship system persisted. The General Secretariat to Combat Human Trafficking was the main body responsible for coordinating the government's anti-trafficking efforts; the government allocated the equivalent of approximately \$3 million for the anti-trafficking secretariat in fiscal year 2013. Nonetheless, slow and overly bureaucratic processes hampered coordination and cooperation among government agencies on anti-trafficking efforts. The government implemented regulations mandating the formation of new unified recruitment companies. According to the regulations, the unified recruitment companies will replace the prevalent model of sponsorship by individual people and companies and allow migrant workers to leave employers without losing their legal status in the country, theoretically enabling them to pursue a legal case against their abusers. In this reporting period, at least 13 unified recruitment companies were established in different parts of the kingdom, and the government reportedly began to transfer sponsorship from individuals to recruitment companies. The government reported that it established a wage payment system in the reporting period by which all foreign migrant workers must be paid through bank transfers, thereby allowing independent verification of timely and complete wage payments.

To increase workers' awareness of their rights, the Ministry of Labor continued to produce a guidebook distributed to all migrant workers entering the country in Arabic, English, and some source country languages; these guidebooks also contained a telephone number for workers to report abuse. Additionally, Saudi police maintained a 24-hour emergency anti-trafficking hotline with operators who spoke Arabic and English and several source-country languages, though it is unclear how many victims were identified through this hotline. During the fasting month of Ramadan, the government aired a clip on television and social media emphasizing the Islamic injunction to treat migrant workers decently; however, the broadcast was not trafficking-specific. During the reporting period, the anti-trafficking secretariat gave six interviews with Saudi and other Arab television channels acknowledging trafficking and forced labor in Saudi Arabia. The government took actions to reduce the demand for prostitution, as Sharia law prohibitions against prostitution were strictly enforced in Saudi Arabia. Some Saudi nationals continued to travel to Morocco, Egypt, Yemen, Afghanistan, Pakistan, India, and Bangladesh to solicit commercial sex acts with women and underage girls in prostitution, and they also continued to travel overseas to sexually exploit young girls through entering into legally-contracted "temporary marriages."

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The government did not report efforts to reduce the demand for child sex tourism by Saudi nationals abroad. Saudi law does not have extraterritorial coverage to prosecute Saudi nationals who commit sex tourism crimes outside of Saudi Arabia.